

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ROLANDO FERNANDEZ-AVILES,

Plaintiff,

v.

ELMER O. MIRANDA-AVILES, et al.,

Defendants.

Civil No. 12-1463 (GAG)

**OPINION AND ORDER**

This case must be dismissed for want of jurisdiction. The complaint states that Rolando Fernandez-Aviles (“Plaintiff”) is a United States citizen currently residing in Venezuela. (See Docket No. 1 at ¶ 1.) The defendants in this case, Elmer O. Miranda-Aviles and Puerto Rico Surgical Technologies, Inc. (collectively “Defendants”) are both citizens of Puerto Rico for diversity purposes. (See *id.*) When invoking this court’s diversity jurisdiction, 28 U.S.C. § 1332, there must be complete diversity between all plaintiffs and all defendants. See *D.B. Zwirn Special Opportunities Fund, L.P. v. Mehrotra*, 661 F.3d 124, 126 (1st Cir. 2011). In order to demonstrate complete diversity, Plaintiff must demonstrate that he is a citizen of one of the fifty states or of Puerto Rico, the District of Columbia, or another territory. See 28 U.S.C. 1332(e) (“The word “States”, as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.”) United States citizens, who do not reside in any state as defined by the statute, are citizens of no state and their stateless status destroys complete diversity. See *Zwirn*, 661 F.3d at 126 (citing *Newman–Green, Inc. v. Alfonso–Larrain*, 490 U.S. 826, 829 (1989)). In this case, Plaintiff admittedly is a United States citizen residing in Venezuela. Therefore, this court does not have jurisdiction to adjudicate the controversy. Plaintiff must pursue this action in state court. This court expresses no opinion on the merits of the claims; nor the injunctive relief sought.

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**SO ORDERED.**

In San Juan, Puerto Rico this 14th day of June, 2012.

*S/Gustavo A. Gelpi*

GUSTAVO A. GELPÍ

United States District Judge